

**UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION**

DANIEL L. MEIER,

Plaintiff,

v.

Case No. 07-CV-11410

ROBERT L. GREEN,

Defendant.

**OPINION AND ORDER GRANTING PLAINTIFF'S "REQUEST FOR TRANSCRIPT TO
BE PAID AT COURT EXPENSE"**

On June 28, 2007, the court issued an order in the above-captioned matter which, among other things, granted Defendant Robert L. Green's motion to dismiss. The following day, Plaintiff Daniel L. Meier filed a "Request for Transcript to be Paid at Court Expense," seeking a copy of the transcript of the June 26, 2007 motion hearing. In his "Request," Plaintiff asserts that he is proceeding *in forma pauperis*, and therefore seeks a copy of the transcript at the court's expense. On July 12, 2007, Plaintiff filed a notice of appeal. Plaintiff is proceeding on appeal *in forma pauperis*.

Under 28 U.S.C. § 753, this court shall order that the cost of a transcript be paid by the United States when the requesting party is appealing *in forma pauperis*, provided that the appeal is not frivolous but presents a "substantial question." 28 U.S.C. § 753(f).¹ In its June 28, 2007 order, the court granted Defendant's motion to dismiss

¹Specifically, 28 U.S.C. § 753(f) provides:

Each reporter may charge and collect fees for transcripts requested by the parties, including the United States, at rates prescribed by the court subject to the approval of the Judicial Conference. He shall not charge a

because, for various reasons, Plaintiff's complaint failed to state a claim. Nonetheless, the court is unable to find that an appeal would be frivolous. Plaintiff is thus entitled to a transcript of the June 26, 2007 motion hearing at the court's expense. See 28 U.S.C. § 753(f). Accordingly,

IT IS ORDERED that Plaintiff Daniel L. Meier's June 29, 2007 "Request for Transcript to be Paid at Court Expense" [Dkt. # 21] is GRANTED.

S/Robert H. Cleland

ROBERT H. CLELAND
UNITED STATES DISTRICT JUDGE

fee for any copy of a transcript delivered to the clerk for the records of court. Fees for transcripts furnished in criminal proceedings to persons proceeding under the Criminal Justice Act (18 U.S.C. 3006A), or in habeas corpus proceedings to persons allowed to sue, defend, or appeal *in forma pauperis*, shall be paid by the United States out of moneys appropriated for those purposes. Fees for transcripts furnished in proceedings brought under section 2255 of this title to persons permitted to sue or appeal *in forma pauperis* shall be paid by the United States out of money appropriated for that purpose if the trial judge or a circuit judge certifies that the suit or appeal is not frivolous and that the transcript is needed to decide the issue presented by the suit or appeal. *Fees for transcripts furnished in other proceedings to persons permitted to appeal in forma pauperis shall also be paid by the United States if the trial judge or a circuit judge certifies that the appeal is not frivolous (but presents a substantial question).* The reporter may require any party requesting a transcript to prepay the estimated fee in advance except as to transcripts that are to be paid for by the United States.

28 U.S.C. § 753(f)(emphasis added).

Dated: July 27, 2007

I hereby certify that a copy of the foregoing document was mailed to counsel of record on this date, July 27, 2007, by electronic and/or ordinary mail.

S/Lisa Wagner
Case Manager and Deputy Clerk
(313) 234-5522